

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

BRANDI CRAWFORD-JOHNSON, ET AL., on
behalf of themselves and all others similarly
situated,

Plaintiffs,

Case No. 1:20-cv-00842-RJJ-SJB

vs.

HON. ROBERT J. JONKER

GRAPHIC PACKAGING
INTERNATIONAL, LLC,

Defendant.

**DEFENDANT’S MOTION TO STRIKE
THE DECLARATION OF DR. MARK CAL (ECF NO. 121-1)**

On October 25, 2024, Defendant Graphic Packaging International, LLC (“GPI”) filed its motion to exclude Dr. Cal’s report as unreliable and unhelpful under Rule 702 and *Daubert v. Merrel Dow Pharms., Inc.*, 509 U.S. 579 (1993). *See* ECF No. 108. On November 22, 2024, Plaintiffs filed their opposition to GPI’s motion. *See* ECF No. 121. Plaintiffs attached and incorporated throughout their opposition a new 52-paragraph declaration from Dr. Cal. *See* ECF No. 121-1. In it, Dr. Cal attaches new reference materials, expresses new and expanded opinions, and incorporates the same opinions and observations from his putative “corrected” report that Plaintiffs agreed to withdraw and not use in support of class certification. GPI requests the Court strike Dr. Cal’s new declaration pursuant to Federal Rule of Civil Procedure 37 and the Court’s inherent powers.

GPI fully articulates the grounds for this Motion in the attached supporting memorandum of law.

Dated: December 31, 2024

Respectfully submitted,

BARNES & THORNBURG LLP

*Attorneys for Defendant Graphic Packaging
International, LLC*

/s/ Charles M. Denton

Charles M. Denton (P33269)
Anthony C. Sallah (P84136)
171 Monroe Avenue, NW, Suite 1000
Grand Rapids, MI 49503
Phone: (616) 742-3930
Facsimile: (616) 742-3999
cdenton@btlaw.com
asallah@btlaw.com

-and-

Mark P. Miller
One North Wacker Drive, Suite 4400
Chicago, IL 60606-2833
Phone: (312) 357-1313
Facsimile: (312) 759-5646
mmiller@btlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2024 a copy of the foregoing document was filed electronically and served by email to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing.

BARNES & THORNBURG LLP

Dated: December 31, 2024

/s/ Charles M. Denton

Charles M. Denton (P33269)

*Attorney for Defendant Graphic Packaging
International, LLC*